

REMARKS

Status

This application is the subject of an appeal in which the decision dated March 14, 2007 of the Board of Patent Appeals and Interferences sustained the rejection of claims 1-12.

An RCE is filed concurrently with this Amendment.

This Amendment amends claims 1-3 and 5, cancels claims 9-12, and adds new claims 21-22.

The status of the claims is as follows: claims 1-9 and 21-22 are pending, of which claims 1-3 and 5 are amended herein, claims 4, 6 and 7 are as originally filed, claim 8 was previously amended and claims 21-22 are new. Claims 9-12 are canceled herein and claims 13-20 were previously canceled.

RCE

This Amendment and the accompanying RCE seek further examination of claims deemed to define allowable subject matter based on comments in the Board's decision, as discussed below.

Allowability of Independent Claims 1 and 3

The Board found that Olshansky's billing information and advertisements satisfy the limitation in claims 1 and 3, as appealed, of "at least one network related function," in addition to voice communication. The Board's decision, quoted more fully below, indicates with respect to claims 1 and 3 that no particular function related to the network is specified, and that such a limitation cannot be imported from the specification into the claims.

In determining the subject matter encompassed by claims 1 and 3, we agree with the Examiner that the claim merely requires the enabled computer terminal to access or participate in the performance of at least one network-related function and voice communication. *However, the claimed features do not specify any particular function related to the network, nor may such limitation be imported from the Specification into the claims.* As such, we remain unconvinced by Appellants' arguments (Reply Br. 4) that the claim necessarily requires those functions mentioned in the Specification which make it different from the billing and advertising services in Olshansky. (Emphasis supplied.) Decision, pp. 5-6.

Claims 1 and 3, as amended, claim means responsive to the authenticating means for enabling the computer terminal in the network to access over the network at least one application that does not depend upon participation by the computer terminal in voice communication over the network.

In Olshansky, billing and advertisements depend upon participation by the subscriber in voice communications. Without voice communication, there would be no billing and no advertising, which are inextricably dependent upon voice communication. It would not be obvious from Olshansky and the prior art of record to enable a computer terminal, after authentication thereof, to participate in voice communication and also, without separate authentication, to access an application over the network that does not depend upon participation by the computer terminal in voice communication, e.g., a stock trading application where, e.g., trades can be made regardless of whether the computer terminal is also participating in voice communication though the terminal may be enabled to do so. Viewing the prior art as a whole, one of ordinary skill in the art would not be led, in the context of a voice communication system such as Olshansky's advertising-subsidized telephony system, to enable access to an application that does not depend also upon participation in voice communication.

Claims 2 and 4-8 depend from claim 1 or claim 3, or both. It is submitted that these claims are allowable at least for the reasons argued above for claims 1 and 3.

Claims 21 and 22

The Board's decision rejected Applicants argument with respect to claim 2 that both terminals involved in voice communication are enabled only after authentication of a sensed finger image at each terminal. Brief, p. 10. The Board stated:

However, we find that similarly to claim 2, claim 9 does not require that users on both sides of a voice communication must be authenticated and instead, recites that voice communication be enabled for any terminal for which a sensed finger-image is authenticated. Therefore, based on the teachings of Olshansky, Trandal, and Patel outlined *supra*, and to the extent claimed, we find ourselves persuaded by the Examiner's position that the voice communication is available for each computer terminal for which a finger-image was authenticated. Decision, p. 6.

New claim 21 claims that the enabling means enables voice communication only between terminals for which a sensed finger-image was authenticated, e.g., between two terminals for each of which a sensed finger-image was authenticated. Similarly, new claim 22 claims means

responsive to the authenticating means for enabling at least two of the plurality of computer terminals in the network to participate in voice communication over the network with each other only if a sensed finger image was authenticated for each of the at least two terminals.

It is submitted that claims 21 and 22 are allowable over the prior art of record.

It is requested the examination of the application continue, and that claims 1-8 and 21-22 be allowed.

Respectively submitted,

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